



**Minutes for Meeting of
Thursday, November 13, 2008**

Item-1: Call to Order

Chairman Cabrera called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Chairman Guillermo Cabrera, Vice-Chair Richard Valdez, Commissioners Lee Biddle, Clyde Fuller, Krishna Haney, Dorothy Leonard, and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, Investigator Kacy Green, Auditor Rosalba Gomez and Executive Secretary Katherine Hunt

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of October 9, 2008

Motion: Approve
Moved/Seconded: Haney/Biddle
Vote: Carried Unanimously

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

Chairman Cabrera welcomed Commissioner Krishna Haney back after her absence from the previous meeting.

Item-6: Executive Director Comment

Director Fulhorst commented on feedback received from the Los Angeles Ethics Commission on the City of San Diego's Lobbying laws. She advised that the Los Angeles Ethics Commission sent a letter thanking her for attending their Commission meeting and providing valuable input. They also expressed their appreciation for the work that the San Diego Ethics Commission did in amending the City of San Diego's lobbying laws. In addition, she noted that Attorney Jim Sutton spoke at the meeting and recommended that the Los Angeles Ethics Commission model their lobbying laws after San Diego's laws

Item-7: General Counsel Comment

None

Item-8: Proposed Reductions to Ethics Commission Budget

Director Fulhorst reported that the City Council held a joint meeting with the Budget and Finance Committee in connection with Mayor Sander's proposed mid-year budget reductions for Fiscal Year 2009. She noted that if the Council approves the Mayor's recommendation for non-mayoral departments to cut expenses by 10%, the Ethics Commission will participate by cutting personnel and non-personnel expenses accordingly to include eliminating the position of Training Aide from its staff.

Commissioner Leonard commented that she noticed that the Mayor's recommendations included cuts only to the Ethics Commission's non-personnel expenses in the amount of \$10,000.

Director Fulhorst clarified that the amount Commissioner Leonard referred to is the amount offered by the Commission for budget savings. She explained that the total amount of \$50,315 listed in the Mayor's budget report is the amount that the Mayor is seeking in budget reductions from the Commission.

Commissioner Westfall asked if there were Commission functions that involved the use of staff that were not mandated by the Municipal Code.

Director Fulhorst responded that the duties carried out by Commission staff are either specified or contemplated by the Municipal Code. However, she noted that cutting the recently filled Training Aide position will have a negative effect on the Commission's training and education program. She added that some activities may need to be curtailed.

Commissioner Biddle asked if the elimination of the Office of Ethics and Integrity (OEI) will have any effect on the Ethics Commission and the Commission's training program.

Director Fulhorst responded that she did not believe it would affect the Ethics Commission because the responsibilities of the Commission differ greatly from the Office of Ethics and Integrity.

Chairman Cabrera added that the training programs of the two offices do not overlap because they address different matters.

Item-9: Presentation of Final Audit Report Regarding the Audit of the Friends of Kevin Faulconer Committee

Auditor Rosalba Gomez presented the Final Audit Report and reported there were no material findings and asked the Commission to accept the report.

Motion: Accept report
Moved/Seconded: Leonard/Westfall
Vote: Carried Unanimously

Item-10: Presentation of Final Audit Report Regarding the Audit of Remy Bermudez for City Council Committee

Auditor Rosalba Gomez presented the Final Audit Report and reported there were no material findings and asked the Commission to accept the report.

Motion: Accept Report
Moved/Seconded: Westfall/Haney
Vote: Carried Unanimously

Item-11: Presentation of Final Audit Report Regarding the Audit of the Remy Bermudez for City Council '06 Committee.

Auditor Rosalba Gomez presented the Final Audit Report and reported there were no material findings and asked the Commission to accept the report.

Motion: Accept Report
Moved/Seconded: Leonard/Westfall
Vote: Carried Unanimously

Commissioner Leonard commented that the clean audits presented indicate that the campaign treasurers were becoming accustomed to the City's laws and the Ethics Commission's procedures and she hopes that they will be noticed by the City Council.

Item-12: Adjourn to Closed Session

Chairman Cabrera adjourned the meeting to Closed Session at approximately 5:25 p.m. He stated the Commission would reconvene into Open Session following the

conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Chairman Cabrera called the meeting back into open session at approximately 7:00 p.m.

Reporting Results of Closed Session Meeting of November 13, 2008

Chairperson Cabrera reported the results of the Closed Session Meeting of November 13, 2008

Item-1: Conference with Legal Counsel (7 potential matters)

Case No. 2008-63 – In Re: Alleged Solicitation of Campaign Contribution from City Employee

Motion: Initiate Investigation
Vote: Carried Unanimously

Case No. 2008-64 – In Re: Alleged Failure to File Proper Campaign Statements

Motion: Initiate Investigation
Vote: Carried Unanimously

Case No. 2008-65 – In Re: Alleged Failure to Properly Report Economic Interests

Motion: Initiate Investigation
Vote: Carried Unanimously

Case No. 2008-68 – In Re: Alleged Failure to Properly Report Economic Interests

Motion: Dismiss
Vote: Carried Unanimously

Case No. 2008-71 – In Re: Alleged Failure to File Proper Campaign Statements

Motion: Initiate Investigation
Vote: Carried Unanimously

Case No. 2008-73 – In Re: Alleged Failure to Disclose Accrued Expenses and Alleged Failure to Timely Pay Vendor Debts

Motion: Initiate Investigation

Vote: Carried Unanimously

Case No. 2008-75 – In Re: Alleged Improper Disclosure of Expenditures

Motion: Initiate Investigation

Vote: Carried Unanimously

Item-2: Conference with Legal Counsel (14 potential matters)

Case No. 2007-12 – In Re: Alleged Failure to Properly Disclose Economic Interests

No Reportable Action

Case No. 2007-36 – In Re: Alleged Participation in Municipal Decision Involving Economic Interests

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2008-12 – In Re: Alleged Unlawful Lobbying of City Officials by former City Official

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2008-18 – In Re: Alleged Failure to File Campaign Statements

Motion: Dismiss

Vote: Carried Unanimously

Cases No. 2008-31, 2008-40, 2008-48, 2008-49, 2008-50, 2008-52, 2008-53 – In Re: Alleged Failure to File Statement of Economic Interests

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2008-30 – In Re: Alleged Failure to File Statement of Economic Interests

No Reportable Action

Case No. 2008-38 – In Re: Joan Edwards -Alleged Failure to File Statement of Economic Interests

Motion: Approve Stipulation
Vote: Carried Unanimously

Case No. 2008-47 - In Re: Bob Garcia - Alleged Failure to File Statement of Economic Interests

Motion: Approve Stipulation
Vote: Carried Unanimously

Adjournment

The meeting adjourned at approximately 7:05 p.m.

Guillermo Cabrera, Commission Chair
Ethics Commission

Kathy Hunt, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.